

**ORIGINAL**

Approved:

*J. A. Ril*  
 MICHAEL GERBER / JASON A. RICHMAN  
 Assistant United States Attorneys

Before: HONORABLE JAMES L. COTT  
 United States Magistrate Judge  
 Southern District of New York

**DOC #** \_\_\_\_\_**SEALED COMPLAINT**

UNITED STATES OF AMERICA	:	Violation of
- v. -	:	18 U.S.C. §§ 922(g)(1)
	:	and 2
ANTHONY RODRIGUEZ,	:	COUNTY OF OFFENSE:
Defendant.	:	BRONX

----- X SOUTHERN DISTRICT OF NEW YORK, ss.: ----- X

**15 MAG 4088**

ERIC BLACHMAN, being duly sworn, deposes and says that he is a Criminal Investigator with the United States Attorney's Office ("USAO"), and charges as follows:

**COUNT ONE**

1. On or about October 26, 2015, in the Southern District of New York, ANTHONY RODRIGUEZ, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce ammunition, to wit, .380 caliber Federal and Remington-Peters ammunition, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

The bases for my knowledge and for the foregoing charge, are, in part, as follows:

2. I am a Criminal Investigator with the USAO. I have been assisting in the investigation of this matter. This affidavit is based upon my participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation.

Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. I have reviewed surveillance video (the "Surveillance Video") taken on or about October 26, 2015 in the vicinity of the intersection of Beck Street and Leggett Avenue in the Bronx, New York. From my review of the Surveillance Video and related photographs, reports, and records concerning ANTHONY RODRIGUEZ, the defendant, I have learned the following, among other things:

a. Or about October 26, 2015, at approximately 4:40 p.m., RODRIGUEZ was standing on the north side of Beck Street in the vicinity of 681 Beck Street. At first, RODRIGUEZ was leaning on the hood of a car and looking away from the direction of oncoming traffic. RODRIGUEZ then turned sideways and looked towards the direction of oncoming traffic.

b. As a motor vehicle (the "Vehicle") approached from the direction that RODRIGUEZ was looking towards, RODRIGUEZ took out a firearm (the "Firearm") and shot approximately four shots at the Vehicle (the "Shooting").

c. RODRIGUEZ then crossed Beck Street and walked eastbound on Beck Street. RODRIGUEZ briefly paused and talked to another individual in front of the vicinity of 686 Beck Street.

d. RODRIGUEZ then walked westbound on Beck Street while holding what appeared to be the Firearm in his right hand. RODRIGUEZ then stopped at 676 Beck Street (the "Building"), pressed an intercom button, waited for several seconds, and entered the Building.

4. I have reviewed reports (the "NYPD Reports") prepared by the New York City Police Department in connection with this investigation. From my review of the NYPD Reports, I have learned, in part and among other things, that shortly after the Shooting, four shell casings ("the Ammunition") were recovered from the vicinity of where the Shooting took place.

5. I have reviewed a report (the "ATF report") prepared by a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives. From my review of the ATF Report, I have learned that the Ammunition was manufactured by two manufacturers - Federal and Remington-Peters - and was not manufactured in the state of New York.

6. I have reviewed criminal history records pertaining to ANTHONY RODRIGUEZ, the defendant, which indicate that RODRIGUEZ was convicted, on or about February 7, 2013, in Bronx County Supreme Court, of attempted criminal possession of a weapon in the second degree, in violation of New York Penal Law § 265.03, a Class D Felony which is punishable by imprisonment for more than one year.

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of ANTHONY RODRIGUEZ, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

Eric Blachman  
ERIC BLACHMAN  
Criminal Investigator  
United States Attorney's Office

Sworn to before me this  
13<sup>th</sup> day of November, 2015

JAMES L. COTT  
THE HONORABLE JAMES L. COTT  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK